

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANNON MARIE O'BRIEN  
MURPHY,

Defendant.

CR 19-54-M-DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on February 14, 2020. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommended this Court accept Shannon Marie O'Brien Murphy's guilty plea after Murphy appeared before her pursuant to Federal Rule

of Criminal Procedure 11, and entered a plea of guilty to one count of wire fraud in violation of 18 U.S.C. § 1343, as set forth in Count 2 of the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts 1 and 3 through 28 of the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 22), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Shannon Marie O'Brien Murphy's motion to change plea (Doc. 14) is GRANTED and Shannon Marie O'Brien Murphy is adjudged guilty as charged in Count 2 of the Indictment.

DATED this 2nd day of March, 2020.



---

Dana L. Christensen, Chief District Judge  
United States District Court